

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent No. 7,617,121 B1	)	
	)	
Inventors: J. DeMayo et al.	)	Confirmation No.: 6688
	)	
Issue Date: November 10, 2009	)	
	)	
For: APPARATUS AND METHOD FOR	)	
HYPERLINKING SPECIFIC	)	
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ADVERTISEMENTS	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT - POST GRANT**

The Office issued the subject U.S. Patent No. 7,617,121 (the '121 patent) with a patent term adjustment of 1207 days.

The Application was filed on November 10, 2000. The first Office Action on the merits was mailed on January 22, 2004, creating a U.S. Patent and Trademark Office (USPTO) delay of 742 days. A response was filed on April 22, 2004. An Information Disclosure Statement was filed on May 25, 2004, creating an Applicant delay of 33 days. A Final Office Action was mailed on August 2, 2004. A Request for Continued Examination (RCE) was filed on January 17, 2005, creating an Applicant delay of 86 days. An Office Action was mailed on March 22, 2005. A response was filed on July 11, 2005, creating an Applicant delay of 19 days. A Final Office Action was mailed on

October 5, 2005. A Notice of Appeal and Pre-Appeal Brief Request for review were filed on February 8, 2006, creating an Applicant delay of 34 days. The Board of Patent Appeals and Interferences mailed a Decision reversing the Examiner on October 30, 2007, creating a USPTO delay of 630 days. An Office Action was mailed on February 26, 2008. A response was filed on June 5, 2008, creating an Applicant delay of 10 days. A Final Office Action was mailed on October 31, 2008, creating a USPTO delay of 26 days. An RCE was filed on February 19, 2009, creating an Applicant delay of 19 days. A Notice of Allowance was mailed on June 29, 2009, creating a USPTO delay of 10 days. The issue fee was paid on September 25, 2009. The '121 patent issued on November 10, 2009.

The three year pendency date for determination of patent term adjustment is November 10, 2003. The application remained pending for 444 days after three-years from the filing date until the first RCE was filed.

In view of the decision of the Federal District Court for the District of Columbia in *Wyeth v. Dudas* on September 30, 2008, which was recently affirmed on appeal by the Court of Appeals for the Federal Circuit, patentee submits it is entitled to a total patent term adjustment of 1545 days, which is the sum of 338 days of patent term adjustment due to exceeding three year pendency until the first RCE was filed (i.e., 444 days offset by 106 overlapping

days) and 1207 days due to USPTO delay in prosecution (i.e., 1408 days of USPTO delay offset by 201 days of Applicant delay).

If there are any fees due in connection with the filing of this request, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.



By: \_\_\_\_\_  
C. Gregory Gramenopoulos  
Reg. No. 36,532

Dated: January 11, 2010